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TOLERATION
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NO
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A TOLERATION in Scotland, no Breach of the UNION.

I Know of no Sect of Christians who assert it as a Principle, to Persecute all those who differ from them in Opinion, besides the *Papists* and *Presbyterians*. Wherever they get the Power into their Hands, their Clergy make it a Point of Conscience, not to suffer any who live under their Jurisdiction, to Worship God in Publick, unless they do it exactly after their Way and Manner, and unless they believe in all things as they believe. It is for this Reason, that those of the Church of *Rome* are not allowed a Liberty of Conscience in most Protestant Countries, because they allow none to Protestants wherever they have the Dominion.

The Presbyterians, although they have the same Spirit of Persecution as the Roman Catholicks, and have always exercised it whenever they got the Power into their Hands, yet have met with greater Lenity from the Church of *England*; because they looked upon the Presbyterians not to be altogether so Corrupt in Doctrine and Worship as the Church *Rome*, and they entertained hopes of being able, by gentleness and mildness, to bring back to the Bosom of the Church, their Brethren who had been led astray by Wolves in Sheep's Cloathing. The Episcopal Church of *Scotland* gave the same Indulgence to the Presbyterians there, as the Church of *England* gave to those in *England*. But the Presbyterians of *Scotland* no sooner got the Power into their Hands, but they tore the Established Church in pieces, Voted the Order of Bishops to be an Unchristian Usurpation, set loose the Rabble on all the Episcopal Clergy, and represented the Laity of that Perswasion as being Jacobites, and Disaffected to the Civil Government. This was the grateful return which the Presbyterians of *Scotland* made to the Episcopal Church there, for the Toleration which they had enjoyed under several preceeding Reigns.

It was some Years after the Change of Government, before any stop could be put to the Rage and Fury of the Presbyterian Persecution in *Scotland*. But at last an Act of Parliament was procured, to Exempt the Episcopal Ministers who remained in Possession of their Churches, from the Jurisdiction of the Presbyterians. And this gave the Episcopal Party some Ease and Respite. *Act 27 Parl. 1695.*

They had by this means some Lucid Intervals; but fresh Persecutions were daily raised against them in Towns where the Presbyterian Ministers could influence the Magistrates to be the Executioners of their Malice and Hatred.

When her present Majesty came to the Throne, the Presbyterians were so apprehensive of a new Change of Government in the Church, that they lay for some time still and dormant, and instead of Persecuting others, would have gladly Compounded for a Toleration to themselves. But in a little time they began to recover New Life, and to raise fresh Disturbances to those of the Episcopal Communion. Her Majesty was always ready to order a Redress of such Abuses, whenever they came to her Ears; but by reason of the distance of the place, many a poor Clergy-Man has been Ruined, with his Family, before he could make his Case known to the Queen.

The Episcopal Party being assured of the Queen's Justice and Protection, and there being no Law in being against their Meeting together for Religious Worship; nay, on the contrary, there being standing Laws which exempt the Episcopal Ministers from the Authority and Jurisdiction of the Presbyterian Synods and Assemblies; they did not think it Necessary to apply to Her Majesty for a Toleration, which they thought themselves already sufficiently Entitled to by the Laws in being. This still became less Necessary by the Union of the Two Kingdoms; when the Episcopal Clergy had no Reason to apprehend any Persecution or Disturbance in their Religious Worship, during the Reign of their most Religious and Gracious Sovereign, and under the Influence of a British Parliament, the Members of which, a very few excepted, being all of them true Sons of the Church of *England*.

But such is the natural bent of that Party to Persecution, that neither the Commands of the Queen, nor the Interest of the Church of *England* in the Legislative Authority, has been able to protect the poor Episcopal Ministers of *Scotland* from being harassed and persecuted by the Presbyterians, for Worshipping God after the way of their Fathers. One of the Episcopal Ministers, Mr. *Greenshields*, having been Prosecuted and Imprisoned by them, for Reading the English Service in a Meeting House at *Edinburgh*, brought his Cause before the House of Lords. And the Lords having heard Council on both Sides, and fully Examined into the Matter, declared it to be their Opinion, that there was no Law in *Scotland* against Episcopal Meetings, or against the Use of the Liturgy of the Church of *England*. It was thought, that after the House of Lords had so solemnly interposed their Judgment in this Matter, that the Presbyterians would not have dared to give any

any further Disturbance to those of the Episcopal Communion in their Religious Assemblies. But they have in open Contempt and Defiance to the Judgment of the Lords, prosecuted several Episcopal Ministers for Reading the English Service in their Meetings. So that seeing neither an Order from the Queen, nor a Sentence of the Highest Court of Judicature, has been able to Tie up the Hands of the Presbyterians, from Persecuting their Fellow Subjects; it has been thought absolutely Necessary, for the Ease and Quiet of the Episcopal Clergy and Laity of *Scotland*, to bring in a Bill into Parliament, to restrain the Fury of the Presbyterians.

To hinder the Passing of this Bill, they raise a Noise and a Clamour, that this intended Toleration, or rather Protection, is a Breach of the Union. As if they were entitled by the Act of Union, to Persecute and Harass their Fellow Subjects that differ from them in Opinion, and that it shall not be in the power of Queen and Parliament to Protect them. The Act of Union secures to them their Church Government by Kirk Sessions, Presbyteries, Synods and Assemblies; but neither the Act of Union, nor any Act of Parliament ratified by it, debars those of the Episcopal Communion from Assembling themselves together for Religious Worship. Cannot the Presbyterians enjoy their Government of the Church by their Synods and Assemblies, although the Episcopal Party, who are not of their Communion, meet together for the Worship of God? A Liberty of Conscience to those of the Episcopal Communion, is so far from being Inconsistent with the Government of the Church by Kirk Sessions, Presbyteries, Synods and Assemblies, that this was the very Form of the Church Government in *Scotland* when it was Governed by Bishops. Only with this difference, that the Bishops were the Supervisors and Inspectors of the other Clergy; whereas now that they live in a Parity, they are only a Check to one another. And I dare be bold to say, that although the Episcopal Ministers had a Succession of Bishops continued among them, as long as they did not meddle with the Benefices and Revenues of the Established Church, nor with its Government, it would be no Encroachment on Presbytery, nor no Breach of the Union. Does it not appear from the History of the first Settlement of Presbytery in *Scotland*, that at the same time that Presbytery was declared to be the standing Government of the Church, There were Bishops in being, and that those very Bishops then sat in Parliament? How frequent mention is there in the Acts of Parliament of those times, of the *Three Estates* of Parliament, of which the Bishops were always accounted One.

But

But the Enemies of this Toleration cry out, that the Clause of Exemption of those of the Episcopal Communion from the Censures of the Presbyterian Church Judicatures, is an Encroachment on their Jurisdiction. To this, I think, the Answer is very plain. For this Clause takes nothing in effect from the Presbyterians of what they had before. All the Power they have as Spiritual Judicatures, is only to inflict the Censure of Excommunication against those who refuse to obey their Authority. But this Excommunication of theirs is not attended with any Civil Penalty ; for that was abolished by an Act of Parliament since the late Establishment of Presbytery. The Civil Magistrate cannot legally Imprison any Man, meerly because he is Excommunicated for his Contumacy to the Church Judicatures. If the Party who is cited before them, thinks fit to appear and to own their Jurisdiction, and they proceed legally to condemn him ; the Civil Magistrate is then bound to be aiding and assisting in putting their Sentence in Execution. But against those who refuse to own their Jurisdiction, they have no other Coercive Means, but to Excommunicate them. And their Excommunication can have no effect upon those who are not of their Communion, and who think it sinful to Communicate with them, in their State of Schism and Opposition to the Primitive Apostolick Church. All the use that they make of their Excommunication against those who are not Members of their Church, is to make them appear Bugbears and Monsters in the eyes of the poor deluded Vulgar. And it is only to prevent this Unchristian Practise of theirs, that this Clause of Exemption is inserted into the Bill.

I would not have any body think, that this Exemption is any Encouragement to Profaneness and Immorality, as the Presbyterians industriously give out. For all the Laws against Profaneness and Immorality, are expressly reserv'd in the Bill ; and those of the Episcopal Communion, are as liable as the Presbyterians, to be punished by the Civil Magistrate, for any such Offences they commit. Before this Bill, the Presbyterian Ministers, in their Church Judicatures, could not punish these Offences any other way than by Excommunication. If they intended any other punishment, they were obliged to inform the Civil Magistrate, and he was to put the Laws in Execution against the Offenders. Now I see nothing in this Bill, that hinders the Presbyterian Ministers still from informing the Civil Magistrate, when they know of any persons, of what Communion soever they be, that live in open Prophaneness and Immorality. They may still be Informers, and get the Laws put in Execution against such Offenders. And they are only tied up by this Bill, from Harassing and Prosecuting them before their Church Judicatures. And suppose one
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of the Episcopal Communion has fallen into some Sin, and does heartily repent of it, and is desirous to have the Absolution of the Church upon his Repentance, would it be reasonable to force him to appear before the Presbyterian Church Judicatures, to receive Absolution from them, when he believes in his Conscience that they have not the Legal Power of Absolving Sins, for want of Episcopal Ordination. If he were obliged to appear before them, he could not rest satisfied in Conscience, till he should receive Absolution from the Hands of a Pastor duly Ordained. And why should that Hardship be put upon those of the Episcopal Communion, to make them do double Penance for their Offences?

People who are Strangers to the Constitution of *Scotland*, may be led into an Error by the Suggestions of those who oppose this Bill; as if those of the Episcopal Communion were to be exempted thereby from the Jurisdiction of any Spiritual Courts whatsoever: whereas the Dissenters in *England*, notwithstanding the Toleration they enjoy, are still Subject to the Spiritual Courts there. A few words will fully clear up this Matter, and shew what a gross Imposition the Presbyterians would put upon those who are not so fully vers'd in the Affairs of *Scotland*. For the Members of the Episcopal Communion, although they should be exempted from appearing before the Presbyterian Ministers in their Church Judicatures, would still be subject to the Jurisdiction of the Spiritual Courts, as well as to Punishment by the Civil Magistrate. The *Commissary Courts* in *Scotland*, are what is properly meant by the Spiritual Courts. The Judges thereof were the Bishops Commissaries, and had Cognizance of Wills, Marriages, Divorces, and Actions of Scandal and Defamation. These Courts were not abolished with Episcopacy, but still continue, and have the same Jurisdiction as formerly. There is only this difference, that whereas formerly the Commissaries were named by the Bishops, they are now named by the Queen. But still they continue to have the same Jurisdiction, in all Ecclesiastical Causes, and over all Persons, as formerly. So that to say, that if the Members of the Episcopal Communion be exempted from appearing before the Presbyterian Ministers in their Synods and Assemblies, they will be subject to no Spiritual Court whatsoever, is a most gross Falshood, and industriously given out to mislead those who have had no Opportunities of knowing the Constitution of the Church of *Scotland*.

It has been always the Practice of the Presbyterian Party, when they could not gain their Ends by fair Means, to blacken and asperse those who oppose them, to use Threatnings, and to boast of their Numbers and Power. And this has always been their Cant against those of the Episcopal Perswasion in *Scotland*, to represent them as Jacobites, as Persons

sons evil Affected to the present Government; and they have all along industriously given out, that the Episcopal Party in *Scotland* were but a Handful in comparison of the Presbyterians. And this Artifice they practis'd with so good Success, that I dare say a great many Members of the Church of *England* opposed the Union for no other Reason, but that they were afraid lest their Church might be in Danger by the addition of Strength, which the Body of English Dissenters might receive from the Members of Parliament that might be returned from *Scotland*. But how have their Eyes been opened by the last Election, although the Country was still under the Influence of a Whiggish Administration!

The Episcopal Party, who had been under a Cloud for so many Years before, no sooner began to see the least Sun-shine, and to receive Countenance and Protection, but they exerted themselves in such a manner, as to return such a Representative to the Parliament, that at least two Thirds of them are Members of the Episcopal Church. Which is a plain Demonstration of the Inclinations of the People, and that by far the greatest Part of the Inhabitants of *Scotland* are Episcopal. And if I am rightly informed, if the Offices of Sheriffs, Justices of the Peace, and others, were put into the Hands of the Episcopal Party, the Presbyterians would be able to return few or no Members of their own Principle.

It was Matter of Amazement to many of the English Nobility and Gentry, who had been so far misguided by the false Reports of the Presbyterians, bragging of their own Strength, that they believed a Scots Man and a Presbyterian were convertible Terms, to see so many of the Scottish Nobility and Gentry express, on all Occasions, as much Zeal and Concern for the Church of *England*, as if they had been Born and Educated in it. And I think those of the Episcopal Communion have given sufficient Demonstration to the World, of their Loyalty and Affection to the present Government, by standing up in Defence of her Majesties Prerogative, paying a just Deference to her Commands, and discouraging all Seditious and Antimonarchical Principles, which have been so industriously propagated by others, with Design to create Disturbances under the present Administration. So that from henceforth, whatever the Presbyterians can say to magnify their own Numbers, or to asperse their fellow Subjects, who differ from them in Principle, can meet with but little Credit.

F I N I S.